

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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|--------------------------------|---|---------------------------|
| G., PARENT AND NEXT FRIEND OF |) | Civ. No. 08-00551 ACK-BMK |
| K., A DISABLED CHILD, ET AL., |) | Civ. No. 09-00044 ACK-BMK |
| |) | (Consolidated) |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| STATE OF HAWAII, DEPARTMENT OF |) | |
| HUMAN SERVICES, ET AL., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| ----- |) | |
| G., PARENT AND NEXT FRIEND OF |) | |
| K., A DISABLED CHILD, ET AL., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| HEALTH AND HUMAN SERVICES, ET |) | |
| AL., |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER GRANTING EVERCARE'S MOTION TO AMEND AND OHANA'S JOINDER

On August 27, 2009, Intervenor United Healthcare Insurance Company d/b/a Evercare ("Evercare") filed a motion to amend the Court's Order Denying Plaintiffs' Motions For Temporary Restraining Orders And To Expedite The Hearings On Their Motions For Preliminary Injunctions. Evercare asks that the Court amend the order by specifying that the Transition Period has effectively been extended "as to Plaintiffs." The same day,

Intervenor Wellcare Health Insurance of Arizona, Inc. d/b/a Ohana Health Plan ("Ohana") filed a joinder in the motion. On September 4, 2009, Plaintiffs filed a statement of no opposition to Evercare's motion.

While the order makes clear on page 12 that the Transition Period has been effectively extended as to each Plaintiff only ("counsel for Evercare and Ohana agreed to extend the Transition Period as to each Plaintiff until the Court rules on the motions for preliminary injunctions"), for purposes of avoiding any possible misunderstanding the Court will grant Evercare's motion and Ohana's joinder and will file an amended order incorporating the following underscored language:

At page 13: "as the Transition Period has effectively been extended by the QExA Contractors as to Plaintiffs"

At page 14: "having found that the Transition Period has basically been extended as to Plaintiffs"

At page 15: "as the Transition Period has effectively been extended by the QExA Contractors as to Plaintiffs"

At page 15: "having found that the Transition Period has effectively been extended as to Plaintiffs"

IT IS SO ORDERED.

Dated: Honolulu, Hawai'i, September 4, 2009.



Alan C. Kay

Alan C. Kay
Sr. United States District Judge

G. v. Hawai'i, Dep't of Human Servs., Civ. Nos. 08-00551 ACK-BMK & 09-00044
ACK-BMK: Order Granting Evercare's Motion to Amend and Ohana's Joinder